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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Joint written statement submitted by Franciscans International, a non-governmental organization in general consultative status, the American Association of Jurists, France-Libertés: Fondation Danielle Mitterrand, the International Association of Democratic Lawyers, the International Federation of ACAT (Action of Christians for the Abolition of Torture), the International Federation of Human Rights Leagues, the International League for the Rights and Liberation of Peoples, International Prison Watch, non-governmental organizations in special consultative status, and the World Organization Against Torture, a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[27 February 1998]

The situation of human rights in Mexico

The above-mentioned international human rights organizations would like to bring to the attention of the Commission on Human Rights the following statement which has been co-signed by 64 non-governmental organizations from Mexico:

1. The undersigned non-governmental organizations express their deep concern and alarm regarding the situation of human rights in Mexico. Repeated, proven and coinciding denunciations made both nationally and internationally by Mexican and foreign civil organizations throughout 1997 have not been able to prevent a further deterioration in human rights in Mexico. In addition, the official system of protection of human rights, which consists of the National Human Rights Commission (CNDH) and of 32 State commissions, was shown to be inefficient and insufficient in providing an answer to the problems posed by the constant violations which occur in Mexico.

2. In Mexico there exists a gross pattern of human rights violations which includes torture, illegal detentions, prisoners of conscience, attacks on human rights defenders, enforced disappearances, extrajudicial executions, denial of justice, and violent action by paramilitary groups which act with total impunity in rural areas.

3. The denial and deprivation of justice are the most common violations. The institutions responsible for the administration of justice, as well as the judicial recourses, are inefficient and biased. There are many victims of these practices, as is demonstrated by the high number of recommendations emitted by the human rights commissions in all the States. Consequently, the victims lack effective, appropriate and simple recourses to remedy abuses suffered in the hands of the authorities.

4. The official statistics of the CNDH are revealing. In seven years (1990-1997) it has received 58,777 complaints of human rights violations. Of these, it has emitted 1,250 "recommendations" of which 855 are recorded as being "totally implemented", 359 are "in the process of being implemented" and 36 are "pending acceptance". However, the mandate of the CNDH and the State human rights commissions does not give them any effective autonomy; it prevents them from dealing with political rights, labour rights and jurisdictional matters; their recommendations are not judicially binding; and the denomination "totally implemented" refers to an administrative process between the CNDH and the responsible authority, without it actually meaning that justice had been done to the victim, or that the damages have been repaired.

5. There has been a marked increase in the role of the armed forces in the civil life of Mexico, to the extent that only in 3 of the 32 States the police forces are not led by the military. Furthermore, there exists a renewed judicial framework which favours human rights violations and restricts fundamental guarantees (for example, the National System of Public Security and the Federal Law Against Organized Delinquency). The militarization of the country is a direct cause of violations: in the cities, through the

militarization of high command posts of the police, and in rural areas as a result of the direct activity of the army in public security, and in the fight against the drug trade and armed insurgency.

6. On 15 December 1997, 28 hooded military men without uniform, in duty, participated in the kidnapping of 20 youngsters in San Juan Ocotán, Zapopoan, Jalisco, apparently for the robbery of a pistol. The result was that one of the youngsters was murdered and all were tortured. The municipal police did not intervene despite the fact that they knew of the action and that the military also raided 20 houses in that village.

7. In urban zones there has been a substantial increase in the number of police raids, which feature illegal raids and illegal detentions in the name of the fight against delinquency. Another case which shocked Mexican society was the detention, torture and execution of six youngsters in Colonia Buenos Aires, Mexico City, which was committed by elite militarized police groups. In terms of efficiency, however, this strategy against delinquency is a complete failure, in that it attacks only the consequences - violating human rights in the process - and not the causes of the criminality. So, it has been that only until the end of 1997, when the economic crisis had somewhat improved, that there was some reduction in the rate of growth of delinquency. In spite of this, the level of criminal impunity lays at approximately 96 per cent in Mexico City.

8. In rural areas, the violations of human rights are more frequent and grave. The rural population, which is generally poorer than the urban population, is in a condition of greater vulnerability. Amongst the greatest problems of the Mexican countryside are misery; the presence of a "cacique" power structure - generally involving the PRI (Partido Revolucionario Institucional), the hegemonic political party for almost 60 years - which promotes and protects paramilitary groups with the aim of ensuring its political control; the impunity which these groups and the local authority enjoy before State and federal governments; the impossibility to guarantee the access to any person to the judicial system; and the partiality with which justice is administered. The assassination of 45 men, women and children in Acteal, Chiapas, on 22 December 1997, by paramilitary groups tolerated by the Mexican Government, which according to the denunciations made by civil organizations and indigenous communities, have been sponsored and financed by the State government and trained by the Mexican army, demonstrates the existence of a true civil war in the poorest rural areas of Mexico, especially in regions where there is a high percentage of indigenous population.

9. Mexico has always shown reticence to the international inspection of its human rights situation. Using national sovereignty as a pretext, the Government has even expelled members of independent international human rights missions, as was the case of the FIDH mission, which in April of 1997 had two of its four members expelled from the country. The FIDH was allowed to return and finish its mission in July of that year. Nonetheless, due to the gravity of the situation and to international and internal pressure, the Mexican Government has permitted visits of the Inter-American Commission on Human Rights, the United Nations Special Rapporteur on torture, the High Commissioner for Refugees, and the Special Rapporteur on the sale of children, child prostitution and child pornography.

10. However, the Committee Against Torture observed, after examining the report of Mexico in April 1997, that torture continued to be systematically practised in Mexico, especially by the judicial police, both local and federal, and lately, also by members of the Armed Forces under the pretext of the fight against subversion, who are protected by impunity and by the profound dichotomy between the theoretical legal framework and its implementation.

11. In August 1997, the Committee on the Elimination of Racial Discrimination, expressed its preoccupation about the persistence of the discrimination practices, sometimes involving public authorities, of which indigenous peoples are the victims. It is significant that the Committee has manifested its interest in finding out which measures have been adopted to bring an end to the activities of paramilitary groups which still exist in indigenous areas; and in knowing if detainees have had access to fair judicial proceedings, and if perpetrators, both military and civilian, of disappearances, summary executions and torture have been arrested and put in the hand of the judiciary.

12. In his last report, the Special Rapporteur on situations of extrajudicial, summary or arbitrary executions, expressed his concern at the increase in politically-motivated assassinations, attacks, harassment and other acts of violence against human right defenders, journalists, leaders of farmers and indigenous organizations, members of political parties, and religious communities.

Recommendations

13. The signatory organizations ask that the Commission on Human Rights calls upon the Government of Mexico to urgently adopt appropriate measures that put an end to the large number of human rights violations that occur in Mexico, putting an end to the impunity of the perpetrators of these crimes through a reform to the judicial system that assures to all individuals a full access to it.

14. The signatory organizations ask that the Commission on Human Rights pay close attention to th evolution of human rights in Mexico, taking into account the information presented by the various organs of the United Nations and the Organization of American States, who are charged with the supervision of the respect for and protection of human rights.

15. The signatory organizations ask that the Commission on Human Rights appoint a Special Rapporteur for Mexico, in charge of monitoring the whole situation of human rights in the country and of reporting to the Human Rights Commission at its fifty-fifth session.

The organizations members of the Red Nacional de Derechos Humanos "Todos los Derechos para Todos":

- Academia Jaliciense de Derechos Humanos (AJDH)
- Acción de Cristianos para la Abolición de la Tortura (ACAT)
- Asociación Civil para la Defensa de los Derechos Ciudadanos "Miguel Hidalgo"

- Asociación Jaliciense de Apoyo a los Grupos Indígenas (AJAGI)
- Centro de Derechos Humanos "Francisco Vitoria", A.C.
- Centro de Derechos Humanos "Fray Bartolomé de las Casas"
- Centro de Derechos Humanos Miguel Agustín Pro, A.C. (PRODH)
- Centro de Derechos Humanos "TEPEYAC"
- Centro de Derechos Humanos de Zit-cuaro
- Centro de Derechos Indígenas (CEDIAC)
- Centro de Estudios Fronterizos y de Promoción de los Derechos Humanos
- Centro de Estudios Fronterizos y Promoción de los Derechos Humanos (CEFPRODHAC)
- Centro de Promoción y Defensa de los Derechos Humanos, A.C.
- Centro para la Defensa de los Derechos Humanos, A.C. (CEDHAC)
- Centro Potosino de Derechos Humanos, A.C.
- Ciudadanos en Apoyo a los Derechos Humanos, A.C.(CADHAC)
- Comisión de Derechos Humanos "La voz de los sin voz"
- Comisión de Derechos Humanos de Colima, Organismo No Gubernamental
- Comisión de Derechos Humanos de la Asamblea de Barrios
- Comisión Independiente de Derechos Humanos de Morelos
- Comisión Intercongregacional "Justicia, Paz y Vida"
- Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, A.C. (CMDPDH)
- Comisión para la Defensa y Promoción de los Derechos Humanos, A.C.
- Comisión Regional de Derechos Humanos "Mahatma Gandhi"
- Comisión de Solidaridad y Defensa de los Derechos Humanos A.C. (COSYDDHAC)
- Comité Ciudadano para la Defensa de los Derechos Humanos, A.C.
- Comité de Defensa de las Libertades Indígenas (CDLI)
- Comité de Derechos Humanos de Tabasco (CODEHUTAB)
- Comité de Derechos Humanos "Fray Pedro Lorenzo de la Nada, O.P."
- Comité de Derechos Humanos Ajusco
- Comité de Derechos Humanos Pueblo Nuevo A.C.
- Comité de Derechos Humanos y Orientación Miguel Hidalgo, A.C.
- Comité Independiente de Derechos Humanos de Irapuato
- Comité Sergio Mendez Arceo A.C.
- Comité Sergio Mendez Arceo Pro Derechos Humanos de Tulancingo, Hidalgo
- Derechos Humanos, Universidad Iberoamericana León
- Frente Civico Sinaloense
- Fundación para la Reintegración Social A.C.
- Grupo de Derechos Humanos "Guizar y Valencia"
- Grupo de Derechos Humanos "Matza-Itza"
- Grupo de Derechos Humanos de Playa Vicente, A.C.
- Grupo Indignación A.C.
- Instituto Mexicano para el Desarrollo Comunitario A.C.(IMDEC)
- Pro Derechos Humanos A.C.(PRODHAC)
- Tlachinollan A.C.

Other organzations:

- Academia Mexicana de Derechos Humanos (AMDH)
- Brigadas Pro Derechos Humanos - Observadores por la Paz
- Centro de Estudios Antropológicos Ce-Acatl, A.C.

- Centro de Estudios de Derechos Indígenas, A.C.
- Centro Nacional de Comunicación Social, A.C. (CENCOS)
- Colectivo Mexicano de Apoyo a la Niñez (COMEXANI)
- Comisión de Seguimiento del Congreso Nacional Indígena, Grupos de Trabajo de Legislación y Comunicación
- Comité Contra la Reducción de la Edad Penal (CCREP)
- Defensoras Populares, A.C. (DPAC)
- Federación Latinoamericana de Asociaciones de Familiares de Detenidos - Desaparecidos Sección Mexico (FEDEFAM México)
- Foro de Organismos Civiles de Oaxaca (FOCO)
- Frente Autentico del Trabajo (FAT)
- Liga Mexicana por la Defensa de los Derechos Humanos (LIMEDDH)
- Movimiento Ciudadano por la Democracia (MCD)
- Red Mexicana de Acción Frente al Libre Comercio (REMALC)

International non-governmental organizations:

- Franciscans International
- The American Association of Jurists
- France Libertés: Fondation Danielle Mitterrand
- The International Association of Democratic Lawyers
- The International Federation of ACAT (Action of Christians for the Abolition of Torture)
- The International Federation of Human Rights Leagues (FIDH)
- The International League for the Rights and Liberation of Peoples
- International Prison Watch
- The World Organization Against Torture